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30 BRIAN F. GORDON

31 UNITED STATES DISTRICT COURT
32 NORTHERN DISTRICT OF CALIFORNIA
33 SAN JOSE DIVISION

34 BRIAN F. GORDON, on behalf of himself and all
35 others similarly situated,

36 Plaintiff,
37 v.
38 APPLE COMPUTER, INC., and, DOES 1
39 THROUGH 50, inclusive,

40 Defendant.

41 Case No. C 06 5358 JW

42 **CLASS ACTION**

43 **STIPULATION TO
44 CONTINUANCE OF CASE
45 MANAGEMENT CONFERENCE**

WHEREAS, a Case Management Conference is scheduled for February 5, 2007; and

2 *WHEREAS*, the parties have agreed to private mediation and such mediation is scheduled
3 for March 13, 2007;

4 IT IS HEREBY STIPULATED AND AGREED pursuant to Northern District Local Rules
5 6-2(a), 7-12, and 16-2(e), that the Case Management Conference currently scheduled for February
6 5, 2007, shall be continued to March 19, 2007.

7 SO STIPULATED.

8 | Dated: January 25, 2007

PENELOPE A. PREOVOLOS
ANDREW D. MUHLBACH
JOHANNA W. ROBERTS
NATALIE NAUGLE
MORRISON & FOERSTER LLP

By: /s/ Penelope A. Preovolos
Penelope A. Preovolos

Attorneys for Defendant
APPLE COMPUTER, INC.

15 Dated: January 25, 2007

HELEN ZELDES
LAW OFFICES OF HELEN ZELDES

KEITH M. FLEISCHMAN
RONALD J. ARANOFF
SUSAN COLLYER
BERNSTEIN LIEBHARD & LIFSHITZ, LLP

By: /s/ Helen Zeldes
Helen Zeldes

Attorneys for Plaintiff
BRIAN F. GORDON

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 26 2007

The Case Management Conference has been moved to 3/19/2007. The Parties shall file a Joint Case Management Conference no later than 3/9/2007.

O ORDERED.



United States District Court Judge

1 I, Penelope A. Preovolos, am the ECF user whose ID and password are being used to file
2 this Stipulation to Continuance of Case Management Conference. In compliance with General
3 Order 45.X.B, I hereby attest that Helen I. Zeldes has concurred in this filing.

4

5 Dated: January 25, 2007

PENELOPE A. PREOVOLOS
ANDREW D. MUHLBACH
JOHANNA W. ROBERTS
NATALIE NAUGLE
MORRISON & FOERSTER LLP

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8 By: /s/ Penelope A. Preovolos
9 Penelope A. Preovolos

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Attorneys for Defendant
12 APPLE COMPUTER, INC.
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CERTIFICATE OF SERVICE BY MAIL
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**STIPULATION TO CONTINUANCE OF CASE
MANAGEMENT CONFERENCE**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482 , in accordance with Morrison & Foerster's ordinary business practices:

Ronald J. Arandoff, Esq.
Keith M. Fleischman, Esq.
Bernstein Liebhard & Lipshitz, LLP
10 East 40th Street, 2nd Floor
New York NY 10016

I declare under penalty of perjury that the above is true and correct.

Executed at San Francisco, California, this 25th day of January, 2007.

Carol J. Peplinski
(typed)

/s/ Carol J. Peplinski
(signature)

ATTESTATION OF E-FILED SIGNATURE

I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file this Proof of Service. In compliance with General Order 45, X.B., I hereby attest that Carol J. Peplinski has read and approved this Proof of Service and consents to its filing in this action.

Dated: January 25, 2007.

MORRISON & FOERSTER LLP

/s/ Penelope A. Preovolos
/s/ Penelope A. Preovolos